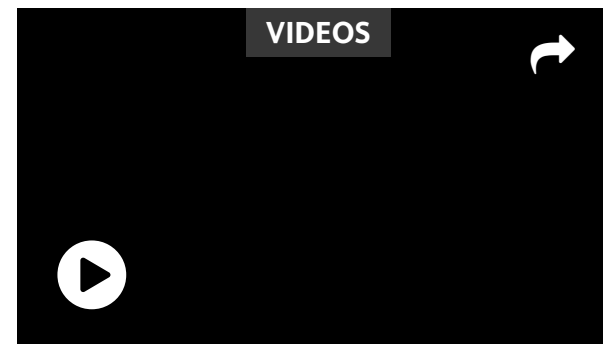
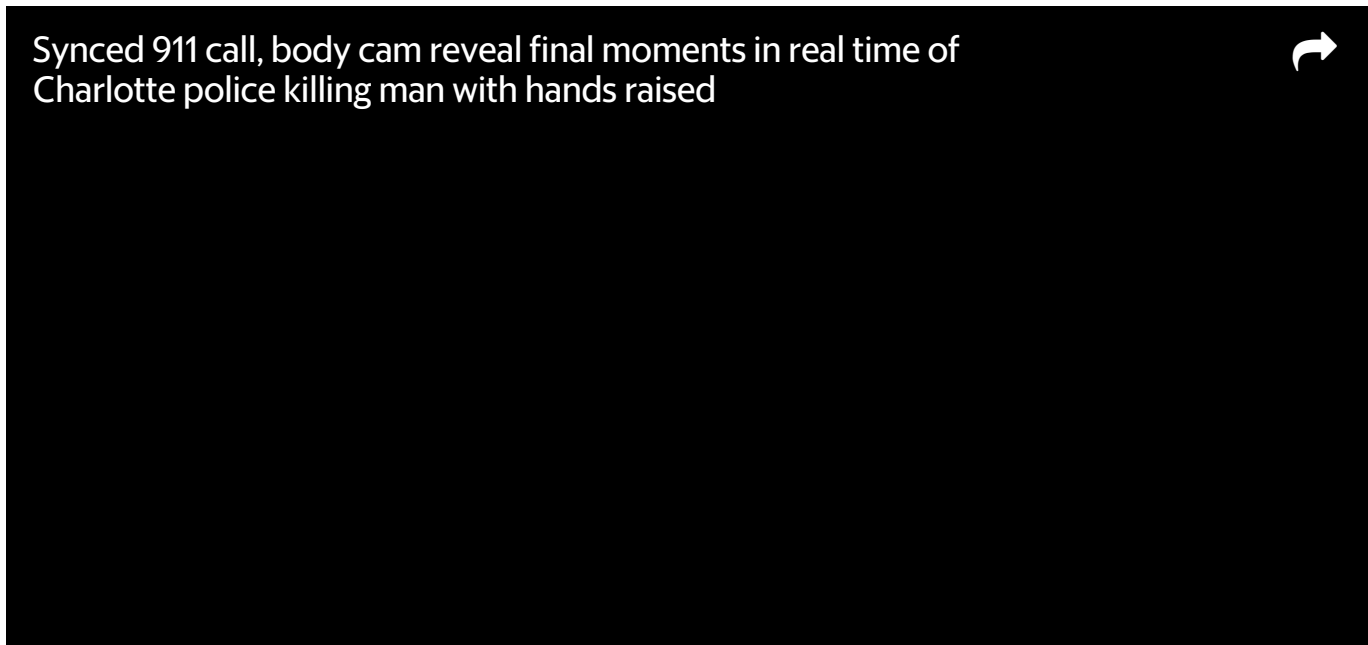


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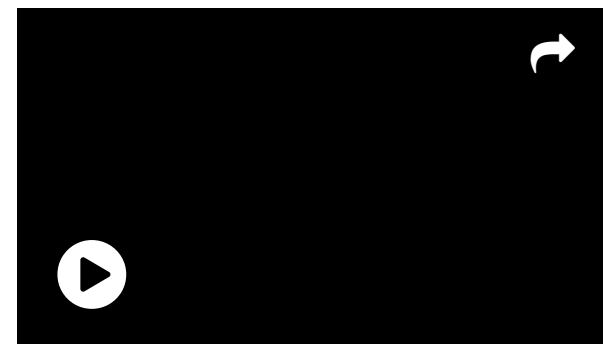
## Police chief, experts clash over whether deadly Charlotte shooting was justified

BY [MICHAEL GORDON](#) AND [JANE WESTER](#)

OCTOBER 10, 2017 04:03 PM, UPDATED OCTOBER 11, 2017 04:00 PM



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GRAPHIC CONTENT: Body cam footage obtained by the Charlotte Observer through a court order reveals that CMPD shot and killed Rueben Galindo, 29, who had called 911 and said he had a gun but no bullets. A dispatcher told officers that a Spanish-spe BY MCCLATCHY

As criticism of the fatal shooting of Ruben Galindo continued to mount, Charlotte-Mecklenburg police Chief Kerr Putney again defended his officers Tuesday, saying a refusal to put down a weapon justifies police use of deadly force.

“I think there’s a hesitancy for people to really listen and understand this: A gun in an encounter with the police is a game-changer,” Putney said during an exclusive interview with the Observer. “You are in possession of a gun that can kill our officers or someone else. Therefore, legally, you’re authorizing the use of lethal force.”

Galindo, 29, was shot and killed by officers on Sept. 6 after a brief encounter with officers responding to his 911 call.

In a calm voice, Galindo told dispatchers that he wanted to turn himself in for an upcoming court date involving his earlier arrest on a charge of assault by pointing a gun. He also said he was armed, but that his gun was empty. A recording of the conversations indicates Galindo repeatedly resisted the urging of the dispatcher to put his gun away before police arrived.

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Video released Friday by the police department to comply with a court order sought by the Observer and the Charlotte nonprofit ActionNC, shows Galindo exiting his apartment and then raising his hands. Police say he was carrying a handgun in his left hand but the footage does not clearly show that.

Charlotte police shoot, kill man who had his hands raised



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Body cam footage obtained by the Charlotte Observer through a court order reveals that CMPD shot and killed Rueben Galindo, 29, who had called 911 and said he had a gun but no bullets. A dispatcher told officers that a Spanish-speaking man had cal  
By McClatchy

Between three and four seconds pass from the time police shout their first orders for Galindo to drop his gun and a series of shots ring out. Then Galindo slumps to the ground.

A gun was recovered at the scene, police said, and Putney has acknowledged that it was not loaded.

Due in part to a Supreme Court ruling in a case originating in Charlotte, police are justified in firing their weapons if they perceive a reasonable and imminent threat of death or serious injury to themselves, fellow officers or the public.

Chief Kerr Putney again defended his officers Tuesday, saying the refusal to put down a gun justified police use of deadly force.





As criticism of the fatal shooting of Ruben Galindo continued to mount, Charlotte-Mecklenburg police Chief Kerr Putney again defended his officers Tuesday, saying the refusal to put down a gun justified police use of deadly force.

By Davie Hinshaw

However, two lethal-force experts who watched the released videos at the request of the Observer disputed whether CMPD officers Courtney Suggs and David Guerra were legally justified in shooting Galindo.

“Without legal justification you’re left with either murder or manslaughter,” said Phil Stinson, a criminal justice professor at Bowling Green State University and a former law enforcement officer who tracks police shootings nationwide. “This one, I’ve watched it a dozen times and I question whether a murder has been committed.”

Mel Tucker, a former N.C. police chief, FBI agent and retired trainer on the use of force, said the officers did not give Galindo enough time to respond to commands. He says police should have stayed concealed and continued to negotiate.

“If I was looking at this case, I can tell you that this shooting was unnecessary,” Tucker said. “They just barely gave him enough time (to react), boom, before they shot him.”

A Charlotte activist whose group is working with the Galindo family calls the video “horrendous” and says police overreacted.

“Galindo has his hands in the air, and is posing no imminent threat to the officers when he is suddenly shot and killed,” said Hector Vaca, Charlotte director of Action NC, which helped persuade a judge to release the videos. “Suddenly shooting him under these circumstances fails to meet the legal standards for justified use of lethal force, and warrants criminal charges.”

Under CMPD policy, Suggs and Guerra have been placed on paid administrative leave pending the outcome of internal and criminal investigations.

After the videos were released, Putney told the Observer that he was “not going to second guess how (officers) perceive a lethal threat.”

The chief’s remark drew strong criticism. Charlotte NAACP President Corinne Mack, called it “asinine.” Added Tucker: “If it’s not the police chief’s job to second guess his officers, what is his job?”

Stinson said Putney’s comments were “unfortunate and suggest to me that he might not understand the relevant legal standard” for police use of deadly force. Just because an officer says he perceived an imminent threat does not automatically make it a reasonable claim, Stinson said.

Eugene O’Donnell, a faculty member at the John Jay College of Criminal Justice in New York, said such “after-incident endorsements are not good for the community and they are not good for cops.” Instead, chiefs should be spearheading needed reforms designed to “permeate the entire culture” of their departments, improvements that too few chiefs have tried to make.

Putney took over the only police department where he’s ever worked in 2015, becoming Charlotte’s first internal police chief hire in more than 25 years.

He told the Observer on Tuesday that he would not discuss specific details of the Galindo shooting, which remains under investigation by the Mecklenburg County District Attorney's Office.

But Putney did speak more generally about his officers' use of force, saying that they almost always involve an armed subject.

“The facts are our officers are encountering too many people with guns and having too limited opportunities to de-escalate a situation where their lives and the lives of other people are in jeopardy,” he said.

Based on the department's initial investigation, Suggs and Guerra did not commit a crime, Putney said. In those situations, he said, “I don't get to second guess.”

“But I get to play Monday morning quarterback for as long as I so desire during the internal investigation ... and that's what we're doing at this point. Even though (a shooting) might meet the reasonable legal standard, does it meet our practices? Does it meet our training? Does it meet our policies? Does it meet our philosophy? Those are higher standards that I get to scrutinize.”

The release of the Galindo shooting video comes a little more than a year after the CMPD shooting death of Keith Lamont Scott. As with Galindo, police say, Scott was shot after he refused commands to put down his weapon.

While Galindo's death brought on a silent protest at Monday night's Charlotte City Council meeting, the Scott killing set off nights of angry protests and occasional riots in parts of the city.

In response to a question about community trust, Putney acknowledged that the shootings took place in communities where resident-police relationships are most strained – among African-Americans and Latinos. And he would not rule out that a lack of trust in police may have been a factor in the failure by Scott and Galindo to put down their weapons.

“I wish there were a book you can read, seriously, or a record you can play, and people would get, hey, the police aren’t the villains that sometimes they’re made out to be,” Putney said. “When we can get people to put a gun down ... we’ll have a different conversation. I’ll see that trust go through the roof. But we have armed encounters that continue to drive a lot of issues that impact that trust.”

In Galindo’s case, Putney said he couldn’t respond to whether the dead man knew enough English to understand police commands.

In the footage from Guerra’s body camera, the officer can be heard shouting a few words of Spanish – “survival Spanish,” Putney called it.

“Ruben! Policia!” Guerra says, then yells “Manos!” the Spanish word for “hands” four times before switching to English. He then begins to shout more urgently, “Put it down! Drop the gun! Drop the gun! Do it now! Drop the gun!” before firing.

Chief Kerr Putney discusses language barrier and diversity in wake of police shooting







In Galindo's case, Putney said he couldn't respond to whether the dead man knew enough English to understand police commands.

By Davie Hinbshaw

A bilingual officer reportedly was on his way to the scene when the shooting occurred. Putney says investigators hope to determine whether a language barrier contributed to the killing.

"Ultimately, what we'd like to do is increase our diversity, have even more Spanish-speaking officers on board here," Putney said. "But we don't have the luxury of having a specific officer answer a specific call throughout the community. We're not quite there yet."

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